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असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 11th March, 2011:—

BILL NO. 61 OF 2010

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2010.

Short title.

2. In article 51A of the Constitution,—

Amendment
of article
51A.

(i) in clause (a), after the words “ideals and institutions,” the words “laws in force in the territory of India,” shall be inserted; and

(ii) after clause (k), the following clause shall be added, namely:—

“(l) to cast vote at elections to the House of the People and Legislative Assemblies of States.”

STATEMENT OF OBJECTS AND REASONS

India is the largest democracy in the world. But it has been observed that only half of our voters have cast their votes during almost all the elections to the House of the People and State Legislative Assemblies held so far. This type of trend indicates that some suitable steps are urgently required to encourage the citizens to exercise their right to vote so that representative could be elected by majority of eligible voters and not by a minority. In addition, all citizens must abide by and respect laws in force in the country, since respect for law occupies a very special place in the administration of laws.

It is, therefore, suggested that a duty is cast upon every citizen to respect laws of the country and also to exercise their franchise during elections.

Hence this Bill.

NEW DELHI;
April 19, 2010.

SAROJ PANDEY

BILL NO. 62 OF 2010

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2010.

Short title.

2. In article 84 of the Constitution, for clause (b), the following clause shall be substituted, namely:—

Amendment of article 84.

“(b) is, in the case of a seat in the Council of States, not less than twenty-five years of age and, in the case of a seat in the House of the People, not less than twenty-one years of age; and”.

3. In article 173 of the Constitution, for clause (b), the following clause shall be substituted, namely:—

Amendment of article 173.

“(b) is, in the case of a seat in the Legislative Assembly, not less than twenty-one years of age and, in the case of a seat in the Legislative Council, not less than twenty-five years of age; and”.

STATEMENT OF OBJECTS AND REASONS

It has been more than two decades when the voting age was lowered in the country to give to the youth an opportunity to participate in the democratic process. The lowering of voting age is seen as a positive phenomenon which has allowed the youth to play their rightful role in nation building. To complete the process of political empowerment of the youth, it has now become imperative that the youth of the country are given proper and adequate opportunity to participate in the electoral process as candidates to the legislatures. It is, therefore, urgently required to amend the Constitution with a view to lower the age limit for being chosen to fill a seat in Parliament or State Legislature.

The Bill seeks to amend the Constitution with a view to reduce the age for qualification of membership of Council of States from thirty years to twenty-five years and from twenty-five years to twenty-one years for membership in the House of the People. The Bill also provides for lowering the age for qualification for membership of Legislative Assembly from twenty-five years to twenty-one years and from thirty years to twenty-five years for membership in the Legislative Council.

NEW DELHI;
April 19, 2010.

SAROJ PANDEY

BILL NO. 131 OF 2010

A Bill to provide for the welfare of sculptors, artists and artisans in rural areas and for matters connected therewith.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Sculptors, Artists and Artisans of Rural Areas Welfare Act, 2010.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “artisan” means any person engaged in making useful, decorative or artistic items manually from leaves or weeds or bamboo or any other material by traditional means in rural areas for earning his livelihood;

(b) “artist” means any person who earns his livelihood by performing arts including music, dance, drama, play, singing to entertain public or displaying of his paintings or artistic skill to public in rural areas;

(c) “Board” means the National Sculptors, Artists and Artisans of Rural Areas Welfare Board set up under section 4;

(d) “Fund” means the National Sculptors, Artists and Artisans of Rural Areas Welfare Fund set up under section 3;

(e) “prescribed” means prescribed by rules made under this Act; and

(f) “sculptor” means any person engaged in carving of statues or making of decorative pieces or any other useful items from clay, cement, stone or any other material in rural areas for earning his livelihood.

Setting up of the Sculptors, Artists and Artisans of Rural Areas Welfare Fund.
Setting up of National Sculptors, Artists and Artisans of Rural Areas Welfare Board.

3. (1) The Central Government shall set up a Fund to be known as the National Sculptors, Artists and Artisans of Rural Areas Welfare Fund.

(2) The Central Government and State Governments shall contribute to the Fund in such proportion, as may be prescribed.

4. (1) The Central Government shall set up a Board to be known as the National Sculptors, Artists and Artisans of Rural Areas Welfare Board.

(2) The Board shall consist of following members, namely:—

(a) the Union Textile Minister who shall be its Chairperson, *ex-officio*;

(b) five members representing the Non-Governmental Organisations working for the welfare of Sculptors, Artists and Artisans in rural areas, to be appointed by the Central Government; and

(c) five members representing the Sculptors, Artists and Artisans in rural areas, to be appointed by the Central Government.

(3) The salary and allowances payable to, and other terms and conditions of service of, members of the Board shall be such as may be prescribed by the Central Government.

Functions of the Board.

5. (1) The Board shall administer the Fund for the welfare of Sculptors, Artists and Artisans of Rural Areas.

(2) Without prejudice to the generality of the foregoing provision, the Fund shall also be used for,—

(a) payment of compensation to the next of kin of the sculptors, artists and artisans in the event of death during work;

(b) payment of premium for life insurance;

(c) payment of old age pension;

(d) payment of disability allowance;

(e) provision of free health care facility to sculptors, artists and artisans and their family members;

(f) housing facility at subsidised rate; and

(g) financial assistance to sculptors, artists and artisans for production and marketing of their products and organization and advertisement of events.

Annual Report.

6. The Board shall submit every year a report, in such form and manner as may be prescribed, of its activities to the Central Government.

Power to make rules.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Sculptors, Artists and Artisans working in the rural areas are living in a miserable condition. The benefits of development have not reached them. In the age of globalisation and information technology, it has become very difficult for these people to earn their livelihood. Several generations of these Sculptors, Artists and Artisans have spent their whole life to keep alive these traditional arts and for providing other useful articles and entertainment to the community. Despite public recognition, these people are not able to meet the both ends due to meagre income.

In rural areas, the traditional folk arts are popular means of entertainment. But with the invasion of television, it is increasingly becoming difficult for them to earn their livelihood. Even today, these people are engaged in preserving our traditional art. Government should come forward to provide assistance to these folk artists so that they can lead a dignified life.

In view of the miserable condition of these artists, it is the duty of the Government to provide social security and other financial assistance to them by formulating and implementing appropriate policies for their welfare.

The Bill seeks to achieve the above objectives.

NEW DELHI;
October 22, 2010.

HANSRAJ GANGARAM AHIR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a Fund to be known as the National Fund for the Welfare of Sculptors, Artists and Artisans in the rural areas. Clause 4 provides for setting up of a Board to administer the National Fund for the Welfare of Sculptors, Artists and Artisans in the rural areas.

Therefore, the Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of rupees five hundred crore.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill.

As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 127 OF 2010

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2010

Short title.

C.O. 22.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part IX.-
Maharashtra, for entry 17, the following entry shall be substituted, namely:—

Amendment
of the
Schedule.

"17. Gamit, Gamta, Gavit, Mavchi, Padvi, Gowari, Gowar, Gowara."

STATEMENT OF OBJECTS AND REASONS

There has been a long pending demand to include the Gowari tribe of Maharashtra in the list of scheduled tribes maintained under article 342 of the Constitution. The Gowari tribe is also known as Gowa or Gowara tribe. This community is plagued by extreme social, educational and economic backwardness. The Union Government took cognizance of the poor condition of this community and brought a Bill in the year 1967 to include this community in the schedule to the Constitution (Scheduled Tribes) Order, 1950. However, the Bill lapsed and the Gowari community could not be added to the list of Scheduled Tribes of the State of Maharashtra.

The Gowari community made several efforts and launched campaigns in the past to get their community in schedule to the Constitution (Scheduled Tribes) Order, 1950. As many as 114 people of the community have laid down their lives seeking inclusion of the Tribes. After considering the demand of the community, on four different occasions the Government of Maharashtra have recommended the inclusion of the Gowari community in the schedule to the Constitution (Scheduled Tribes) Order, 1950. The condition of this community is deteriorating day by day due to lackadaisical approach of the Government in providing the benefits of reservation to the people belonging to this community.

The Gowari tribe needs the support of the State in the form of reservation in services under Government and other affirmative action of the Government so that they can be integrated with the mainstream and become an important part of the social fabric. To ensure such support to them, it is proposed in the Bill to include the Gowa, Gowara and Gowari community in Part IX.- Maharashtra in the Schedule to the Constitution (Scheduled Tribes) Order, 1950.

Hence this Bill.

NEW DELHI;
October 22, 2010.

HANSRAJ GANGARAM AHIR

FINANCIAL MEMORANDUM

The Bill seeks to include Gowa, Gowara and Gowari community in the list of Scheduled Tribes in respect of the State of Maharashtra by way of amending the Constitution (Scheduled Tribes) Order, 1950. The Bill, if enacted, would involve recurring and non-recurring expenditure on account of the benefits to be given under the schemes and programmes of the Government meant for social, educational and economic development of the scheduled tribes. At this stage, it is not possible to mention the exact amount which may be incurred on this account. However, it is estimated that a sum of approximately rupees one hundred crore is likely to be involved as a recurring expenditure per annum.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

BILL NO. 132 OF 2010

A Bill further to amend the Mahatma Gandhi National Rural Employment Guarantee Act, 2005.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. This Act may be called the Mahatma Gandhi National Rural Employment Guarantee (Amendment) Act, 2010. Short title.

42 of 2005. 2. In section 2 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (hereinafter referred to as the principal Act), for clause (b), the following clause shall be substituted:— Amendment of section 2.

“(b) “applicant” means any adult person who has applied for employment under the Scheme”.

Substitution of new section for section 3.

Guarantee of rural employment to every adult person.

3. For section 3 of the principal Act, the following section shall be substituted, namely:—

“3. (1) Save as otherwise provided, the State Government shall, in such rural area in the State as may be notified by the Central Government, provide to every adult person who volunteers to do unskilled manual work, such work on all working days except the public holidays in accordance with the Scheme made under this Act.

(2) Every person who has done the work given to him under the Scheme shall be entitled to receive wages at the wage rate for each day of work.

(3) Save as otherwise provided, the disbursement of daily wages shall be made on a weekly basis or in any case not later than a fortnight after the date on which such work was done.”.

Amendment of section 4.

4. In section 4 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) For the purposes of giving effect to the provisions of section 3, every State Government shall, within six months from the date of commencement of this Act, by notification, make a Scheme, for providing guaranteed employment on all working days except public holidays to every adult person who, by application, volunteers to do unskilled manual work subject to the conditions laid down by or under this Act and in the Scheme:

Provided that until any such Scheme is notified by the State Government, the Annual Action Plan or Perspective Plan for the *Sampoorna Grameen Rozgar Yojana* (SGRY) or the National Food for Work Programme (NFFWP) whichever is in force in the concerned area immediately before such notification shall be deemed to be the action plan for the Scheme for the purposes of this Act.”.

Amendment of section 7

5. In section 7 of the principal Act—

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Subject to such terms and conditions of eligibility as may be prescribed by the State Government and subject to the provisions of this Act and the Schemes and the economic capacity of the State Government, the unemployment allowance payable under sub-section (1) shall be paid to the applicants at such rate as may be specified by the State Government, by notification, in consultation with the State Council:

Provided that no such rate shall be less than one-fourth of the wage rate for the first thirty days during the financial year and not less than one-half of the wage rate for the remaining period of the financial year.”;

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The liability of the State Government to pay unemployment allowance to an applicant, shall cease as soon as the applicant is directed by the Gram Panchayat or the Programme Officer to report for work.”; and

(c) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) The unemployment allowance payable to an applicant shall be sanctioned and disbursed by the Programme Officer or such local authority (including the Panchayats at the district, intermediate or village level) as the State Government may, by notification, authorise in this behalf.”.

6. In section 9 of the principal Act, for clause (a), the following clause shall be substituted, namely:—

Amendment of section 9.

“(a) does not accept the employment provided to him under a Scheme; or.”

7. In section 15 of the principal Act, in sub-section (5), for clause (b), the following clause shall be substituted, namely:—

Amendment of section 15.

“(b) sanctioning and ensuring payment of unemployment allowance to the eligible applicants;”

8. In Schedule II to the principal Act,—

Amendment of Schedule II.

(a) for paragraph 1, the following paragraph shall be substituted, namely:—

“1. Every adult person who—

(i) resides in any rural areas; and

(ii) is willing to do unskilled manual work,

may submit his name, age and the address to the Gram Panchayat at the village level (hereafter in this Schedule referred to as the Gram Panchayat) in the jurisdiction of which he resides for registration of his name for issuance of a job card.

(b) for paragraph 2, the following paragraph shall be substituted, namely:—

“2. It shall be the duty of the Gram Panchayat to register the applicant, after making such enquiry as it deems fit and issue a job card containing such details of the applicant affixing his photograph, as may be specified by the State Government in this Scheme.”;

(c) for paragraph 4, the following paragraph shall be substituted, namely:—

“4. Every adult person whose name appears in the job card shall be entitled to apply for unskilled manual work under the Scheme.”;

(d) for paragraph 5, the following paragraph shall be substituted, namely:—

“5. All registered persons shall be entitled to employment in accordance with the Scheme made under the provisions of this Act, for as many days as each applicant may request, except on public holidays.”;

(e) for paragraph 8, the following paragraph shall be substituted, namely:—

“8. There shall be no limit on the number of days of employment for which a person may apply, or on the number of days of employment actually provided to him.”;

(f) for paragraph 15, the following paragraph shall be substituted, namely:—

“15. A period of employment shall ordinarily be at least fourteen days continuously except public holidays.”; and

(g) for paragraph 20, the following paragraph shall be substituted, namely:—

“20. The Gram Panchayat shall prepare and maintain or cause to be prepared and maintained such registers, vouchers and other documents in such form and in such manner as may be specified in the Scheme containing particulars of job cards and passbooks issued, names, ages and addresses of the applicants registered with the Gram Panchayat.”.

STATEMENT OF OBJECTS AND REASONS

The Mahatma Gandhi National Rural Employment Guarantee Act, 2005 was enacted with a view to provide employment to the people of rural areas. However, as per sub-section (1) of section 3 of the Act, there is a provision to provide unskilled employment of only one hundred days to the rural households. Agriculture and the other rural occupations in rural areas in the country have nearly been marginalized due to the severe impact of globalization. A large number of farmers are expressing a desire to dissociate themselves from agriculture due to continued losses. According to National Sample Survey Organization (NSSO), as many as forty per cent. farmers have shown interest in quitting Agriculture as occupation. In this scenario, the employment of one hundred days to a household which is being provided under the Act is not sufficient to provide reasonable income for leading a dignified life. Keeping this in view, it is very much warranted to generate more employment in rural areas.

Therefore, there is a need to provide unskilled manual employment on all working days to every adult person in the rural areas who volunteers to do the work.

This Bill seeks to amend the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 with a view to provide unskilled manual work on all working days to all adult persons in rural areas who volunteer to do work.

The Bill seeks to achieve the above objective.

NEW DELHI;
October 22, 2010.

HANSRAJ GANGARAM AHIR

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to provide unskilled manual work to every adult who volunteers to do such work, on all working days, except public holidays in accordance with the scheme made under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005. Clause 7 provides for payment of unemployment allowance to the applicants. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees twenty thousand crore from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

SCHEDULE II

(See section 5)

CONDITIONS FOR GUARANTEED RURAL EMPLOYMENT UNDER A SCHEME
AND MINIMUM ENTITLEMENTS OF LABOURERS

1. The adult members of every household who—

(i) reside in any rural areas; and

(ii) are willing to do unskilled manual work,

may submit their names, age and the address of the household to the Gram Panchayat at the village level (hereafter in this Schedule referred to as the Gram Panchayat) in the jurisdiction of which they reside for registration of their household for issuance of a job card.

2. It shall be the duty of the Gram Panchayat to register the household, after making such enquiry as it deems fit and issue a job card containing such details of adult members of the household affixing their photographs, as may be specified by the State Government in the Scheme.

* * * * *

4. Every adult member of a registered household whose name appears in the job card shall be entitled to apply for unskilled manual work under the Scheme.

5. All registered persons belonging to a household shall be entitled to employment in accordance with the Scheme made under the provisions of this Act, for as many days as each applicant may request, subject to a maximum of one hundred days per household in a given financial year.

* * * * *

8. There shall be no limit on the number of days of employment for which a person may apply, or on the number of days of employment actually provided to him subject to the aggregate entitlement of the household.

* * * * *

15. A period of employment shall ordinarily be at least fourteen days continuously with not more than six days in a week.

* * * * *

20. The Gram Panchayat shall prepare and maintain or cause to be prepared and maintained such registers, vouchers and other documents in such form and in such manner as may be specified in the Scheme containing particulars of job cards and passbooks issued, name, age and address of the head of the household and the adult members of the household registered with the Gram Panchayat.

* * * * *

BILL NO. 128 OF 2010

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2010.

Amendment
of the
Schedule.

2. In the Schedule to the Constitution (Scheduled Castes) Order, 1950, in Part IX.— C.O. 19
Maharashtra, for entry 48, the following entry shall be substituted, namely:—

"48. Manne, Namosudra, Namasudra, Namosudraa."

STATEMENT OF OBJECTS AND REASONS

In pursuance of article 341 of the Constitution, the list of Scheduled Castes was first notified in 1950, and thereafter it has been modified on various occasions. The inter-State migration of communities belonging to Scheduled Castes have made various State Governments to request for the inclusion of these migrated communities in the list of Scheduled Castes in respect of that State. Consequently, some of these communities have been included in the list of Scheduled Castes in various States. However, there are still some communities which have been included in the list of Scheduled Castes in respect of some States while the same castes have been left out from the list of Schedule Castes in other States.

The Namasudra community has been included in the list of Scheduled Castes in several States. But the community has not been included in the list of Scheduled Castes in respect of the State of Maharashtra, and as such they are not entitled to the benefits extended to the Scheduled Castes.

Therefore, it is necessary to include Namosudra, Namasudra, Namosudraa communities in the list of Scheduled Castes of the State of Maharashtra in view of their economic, educational and social backwardness.

Hence this Bill.

NEW DELHI;
October 22, 2010.

HANSRAJ GANGARAM AHIR

FINANCIAL MEMORANDUM

The Bill seeks to include Namosudra, Namasudra, Namosudraa communities in the list of Scheduled Castes in respect of the State of Maharashtra by way of amending the Constitution (Scheduled Castes) Order, 1950. The Bill, if enacted, would involve recurring and non-recurring expenditure on account of benefits to be extended to these communities under the schemes and programmes of the Government meant for social, educational and economic development of the scheduled castes. It is estimated that a sum of approximately rupees fifty crore is likely to be involved as a recurring expenditure per annum.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

BILL NO. 143 OF 2010

A Bill to provide for empowerment of women in all fields and for matters connected therewith.

CHAPTER I

PRELIMINARY

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Empowerment of Women Act, 2010.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “bank” means the Women Development Bank established under section 27;

(c) “child” means a person who has not attained the age of fourteen years;

(d) “court” means a special court established under section 45;

(e) "destitute woman" means a woman who has been separated, divorced or a widow or an unmarried woman who has no source of income;

(f) "employer" means:

(i) in relation to an establishment which is under the control of the appropriate Government, a person or an authority appointed by the appropriate Government, for the supervision and control of employees or where no person is so appointed, the head of the department;

(ii) in relation to an establishment under any local authority, the person appointed by such authority for the supervision and control of employees or where no person is so appointed, the chief executive officer of the local authority;

(iii) in any other case, the person who, or the authority which, has the ultimate control over the affairs of the establishment;

(g) "establishment" includes:—

(i) a factory;

(ii) a mine;

(iii) a plantation;

(iv) an agricultural field;

(v) an establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances;

(vi) a place where, manufacture, production, or such other similar activity is carried out;

(vii) a place where trading either wholesale or retail in any product is carried out;

(viii) a hotel, restaurant, lodge or any eating place;

(ix) a shop where sale in any product is carried out or a service is provided;

(x) a place where construction work is carried out;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "property" means movable and immovable property and includes all rights pertaining to property by way of lease, licence and inheritance.

CHAPTER II

EDUCATIONAL RIGHTS

3. The appropriate Government shall,—

(a) provide free and compulsory education upto graduation level to all women;

(b) open adequate number of educational institutions exclusively for women;

(c) reserve fifty per cent. of seats in educational institutions for women till adequate number of educational institutions exclusive to them have been set up; and

(d) provide scholarships to women for pursuing higher education.

Free education
to women.

Explanation.—In this section, 'free education' means uniform, books and stationery, nutritious meals during school hours and transportation free of cost and no fees for admission or for taking any examination shall be charged.

4. The appropriate Government shall provide vocational training free of cost to all girl students.

Free
vocational
training to
girl students.

CHAPTER III

EMPLOYMENT RIGHTS

Reservation of posts in Government Services.

5. The Central Government shall reserve thirty per cent. of posts and appointments under its control for women.

Working Women Welfare Fund.

6. (1) The Central Government shall constitute a Fund to be called Working Women Welfare Fund for carrying out the following purposes—

- (i) to ensure the right to work for women;
- (ii) to ensure equal wages to women employees;
- (iii) to ensure steady and definite increase in the number of women employees in the total work force;
- (iv) to ensure, after suitable amendments, proper application of the existing labour laws for the benefit of the women employees;
- (v) to ensure childcare facilities including provision of milk, tiffin, clothes, toys and trained *ayahs* to look after the children;
- (vi) to ensure mobile childcare facilities for women agricultural employees;
- (vii) to ensure retiring rooms with adequate facilities like bathrooms, latrines, etc. at the work-site for the women employees;
- (viii) to ensure residential facilities for women employees nearest to the place of their work;
- (ix) to ensure recreational facilities for children of working women at the childcare centres;
- (x) to ensure proper and adequate security arrangement for the women employees at the work site;
- (xi) to ensure conducive working conditions for the women employees;
- (xii) to ensure reservation of beds in the hospitals for women employees;
- (xiii) to ensure proper and adequate maternity facilities for the women employees;
- (xiv) to ensure equality for married and unmarried women employees in the employment as well as in service conditions;
- (xv) to ensure cheap, safe and quick transportation facilities for women employees;
- (xvi) to ensure protection from health hazards, particularly for the women employees working in hazardous industries like cashew, mines, tobacco and construction projects.

(2) Every employer and State Government shall contribute to the Fund in such ratio as may be determined by the Central Government.

Representation of women employees in trade unions.

7. The appropriate Government shall ensure representation of women employees in various committees of trade unions formed for the purposes of working class.

Constitution of Advisory Committees.

8. (1) The Central Government shall constitute Advisory Committees in every State and Union territory in respect of the area at the city level, district level and an apex body at State level, consisting of equal number of representatives from the appropriate Government, the employees and the trade unions, who shall be women, to advise the Central Government

on such matters arising out of the administration of this Act as may be referred to it by the Central Government including matters relating to the utilisation of the Fund.

(2) The members of the committees so constituted shall from amongst themselves elect the Chairperson of the committees.

(3) The Central Government shall publish the names of the members of all Advisory Committees in the Official Gazette.

9. The Central Government shall constitute a Central Advisory Committee which shall coordinate the functioning of all the Advisory Committees to ensure their proper functioning and for the adoption of uniform policies.

Central Advisory Committee.

10. The appropriate Government may, by notification in the Official Gazette, appoint as many officers as it may deem necessary for the proper enforcement of the provisions of this Act.

Appointment of Officers.

11. The Advisory Committee at the district level shall maintain a register of women employees in its area and the information contained therein shall be checked with the information supplied by each employer regarding women employed by them and their specific needs, if any.

Register of women employees.

12. Each Advisory Committee shall, as soon as may be, after the end of each financial year, prepare a comprehensive report of its activities of the previous year, which were financed from the Fund, together with a statement of accounts.

Annual Report of Advisory Committees.

13. The appropriate Government may require an employer, who employs women in his industry or establishment, to furnish for the purposes of this Act, such statistical and other information, in such form and within such period, as may be prescribed.

Employer to furnish information in respect of women employees.

CHAPTER IV

SEXUAL HARASSMENT

14. For the purposes of this Act, 'sexual harassment' includes—

Meaning of Sexual harassment.

(i) harassing any employee by virtue of her being a female;

(ii) indecent representation of women with a view to annoy or irritate her and which results in mental agony to a female employee;

(iii) detaining a female employee before or after normal working hours in the absence of other employees and when there is no work to be performed by that female employee, with a view to outrage her modesty or molest her;

(iv) paying less wages or giving more work to a female employee than her male counterpart;

(v) refusing to grant leave of absence to a female employee or permission to her during her pregnancy/termination of pregnancy or other periods when she would not be physically or biologically fit to perform her work to her fullest capacity;

(vi) passing of obscene or lewd comments against a female employee ;

(vii) making a female employee attend office on holidays or come to such place where her presence is not required in connection with her employment;

(viii) compelling a female employee to attend a party/dance or any musical programme or to dine with her employer or any other person if the female employee is not willing to do so;

(ix) refusal to allow rest to female employee as provided under the provisions of any other law for the time being in force;

- (x) making her dress in a way which would present her in an obscene manner;
- (xi) making her perform such a job or duty which would denigrate her personality;
- (xii) touching or otherwise fondling or flirting bodily of a female employee in the guise of teaching her the job or help her in her job;
- (xiii) making her perform such duties which she cannot with her physical condition would be able to perform;
- (xiv) gestures or actions either by word or by written material intending to insult or cause mental injury to a female employee;
- (xv) showing pornography or other obscene literature to a female employee;
- (xvi) sexual advances with a view to assault or molest or outrage modesty of a female employee;
- (xvii) offering unwanted suggestions or advice about physical appearance or on other matters of a female employee with a view to hurt her; and
- (xviii) doing of any other act or causing any act by using position as an employer with a view to exploiting a female employee.

Special officer to deal with cases in the Government offices.

15. The Central Government shall designate an officer, who shall be a woman, to be the Special Officer in every department, or office or an establishment under its jurisdiction to deal with complaints lodged by female employees in her department or office or establishment.

Special Officer for every district.

16. The appropriate Government shall appoint a Special Officer, who shall be a woman, for every district to deal with cases arising out of this Act within the territorial jurisdiction of that district.

Women employees not to be harassed.

17. No person being an employer or manager or supervisor in charge of the office/organisation or a factory or establishment or any other work place or any other employee or any other person shall indulge or cause to be indulged in sexual harassment of women employees.

Women employees to approach Special Officer in case of harassment.

18. If any female employee has been subject to sexual harassment, she may approach the concerned Special Officer for redressal of her grievances.

Special Officer to make inquiries.

19. As soon as a complaint has been lodged with the Special Officer, she shall make or cause to be made an inquiry into the facts and circumstances of the complaint.

Special Officer to recommend action against guilty.

20. If after the inquiry, the Special Officer finds any person guilty of sexual harassment, she shall—

(a) in case the guilty is an employee of the Government, recommend to the appropriate authority for taking such disciplinary action as she may deem fit;

(b) in case the guilty is not employed in Government service, recommend to the employer or other person in charge of the affairs of the organisation where the accused is employed, such action as she may deem fit:

Provided that if it is brought to the notice of the Special Officer that no action has been taken by the employer or the person in charge of the affairs of the organisation where the accused is employed—

(i) in case it is an office or establishment under the control of the Central Government, the Central Government shall terminate the services of both the accused person and the person in charge of the office where the victim is employed;

(ii) in case the work place where the victim is employed is not under the control of the Central Government, the facilities and concessions extended to that organisation by the Central Government shall be withdrawn forthwith.

21. A Special Officer while discharging her functions under the provisions of this Act shall have the powers of a Civil Court and the proceedings thereof shall be in accordance with the Code of Civil Procedure, 1908.

Special Officer to have powers of a Civil Court.

22. Any person who violates the provisions of this chapter shall be punished with imprisonment for a period of not less than seven years and with fine not less than fifty thousand rupees and shall be disqualified from joining the Government service.

Punishment.

CHAPTER V

SOCIAL SECURITY RIGHTS

23. The appropriate Government shall provide a pension at the rate of rupees one thousand and five hundred per mensem, to be revised from time to time, to all destitute women till they are gainfully employed or facilities for self-employment have been extended to them or accommodated in women's homes.

Provision of pension to destitute women.

24. (1) The appropriate Government shall establish women's homes in every district for accommodating destitute women.

Women's home.

(2) In every women's home:—

- (i) medical care, food and clothes shall be supplied free of cost to the inmates;
- (ii) recreational facilities shall be made available; and
- (iii) necessary facilities for self employment shall be made available.

25. (1) The Central Government shall frame and administer an Insurance Scheme for all women.

Insurance Scheme for women.

(2) The Insurance Scheme so administered shall cater to housewives, working women and self-employed women in both organised and unorganised sectors.

(3) The Insurance shall cover against accidents, injuries, illness connected with pregnancy or otherwise or any loss in self-employment due to natural calamity or any mishap.

(4) The Central Government shall determine the amount of insurance and the premium payable by every woman and the period of the insurance cover thereon.

26. (1) The Central Government shall constitute a Fund to be called the Women Welfare Fund for carrying out welfare measures for women other than working women.

Welfare Fund for women other than working women.

(2) Every State Government shall contribute to the Fund in such ratio as may be determined by the Central Government.

(3) The Fund shall be utilised for providing necessary facilities to women pursuing education, or self-employment and for payment of pension to destitute women.

CHAPTER VI

ECONOMIC RIGHTS

27. (1) The Central Government shall establish a Women Development Bank with its headquarters at New Delhi.

Establishment of Women Development Bank.

(2) The Bank shall set up its regional offices in every State capital and a branch in every city having a population of more than one million and in every district:

Provided that the bank may set up more than one branch in a city or a district in accordance with its population and requirement.

28. (1) The Bank shall be managed by a Board consisting of the following, namely:—

Board to manage Bank.

(a) a Chairperson, who shall be an expert in banking service to be appointed by the Central Government;

(b) members to represent the following:—

- (i) Union Ministry of Women and Child Development;
- (ii) Union Ministry of Finance;
- (iii) a representative of National Commission for Women established under the National Commission for Women Act, 1990;
- (iv) a representative of reputed Women's Associations in the country; and
- (v) a representative of Legal profession.

20 of 1990.

(2) The terms of appointment, qualification of Chairperson and other members of the Board shall be such as may be prescribed.

(3) The salaries and other allowances and conditions of service of the Chairperson shall be such as may be prescribed.

(4) The members of the Board shall be entitled to such allowances as may be prescribed for attending the sittings of the Board.

Board to frame policies and determine business of Bank.

29. The Board shall frame policies and determine business of the bank with a view to achieve alround development of women.

Sitting of Bank.

30. (1) The Board shall hold sittings as often as possible but in any case not later than three months from the date of its previous sitting.

(2) The sittings of the Board shall be presided over by the Chairperson and in his absence, by any member to be elected as acting chairperson from members amongst themselves.

31. (1) The authorised capital of the Bank shall be rupees five hundred crore and it may be increased at any time by the Central Government by notification in the Official Gazette.

Capital of Bank.

(2) Every State Government shall contribute to the bank in such ratio as may be determined by the Central Government.

Dealings and transactions of Bank.
Duty of Bank.

32. The dealings and transactions of the bank shall be exclusively with women and with such organisations as are engaged in the welfare activities of women.

33. The bank shall perform the following business, namely:—

- (i) accept deposits, either in cash or in any banking instrument from women;
- (ii) open savings and other accounts in favour of women;
- (iii) extend loans to women for pursuing education including higher and technical education;
- (iv) extend loans to women for self-employment;
- (v) extend loans to women for medical treatment, expenses during pregnancy including cost of termination of pregnancy, marriages, religious ceremonies and for such other similar purposes as may be prescribed; and
- (vi) extend loans to women for purchase/construction of houses, purchase of vehicles and consumer durables.

Terms and Conditions for granting loan.

34. (1) The bank may impose such terms and conditions, as it may deem necessary, before granting loans to women.

(2) The loan amount shall be determined in accordance with circumstances and merits of every case.

(3) The loan amount shall be repayable over such period as may be determined by the bank.

35. (1) Every woman who wishes to avail of loan facility may make an application to the nearest bank.

Application for availing loan.

(2) The bank, on receipt of an application under sub-section (1), shall take a decision with regard to grant of loan, within a period of one month from the date of receipt of such application and state reasons in case the loan amount is not granted.

36. (1) The appropriate Government shall forward names of women registered with employment exchanges under their jurisdiction to the concerned regional office.

Women registered with Employment Exchanges to get priority.

(2) Any woman who has registered herself with an employment exchange and is not gainfully employed shall have preference in getting loan for self-employment.

37. The bank shall appoint necessary officers and staff for efficient functioning of the bank:

Officers and staff.

Provided that one half of the total number of appointments or posts shall be reserved for women.

CHAPTER VII

SOCIAL RIGHTS

38. Notwithstanding anything contained in any other law for the time being in force, no Government, authority or person, shall compel any other person who is a citizen of India to fill and sign any form, statutory or non-statutory, official or non-official, which provides for establishing a person's lineage only through his father or to prohibit him to write his mother's name instead.

Establishment of lineage.

39. After the coming into force of this Act, it shall be lawful for any citizen of India to refuse to fill a form which does not give him or her the option to give the name of his or her mother.

Right to refuse to fill forms in certain cases.

40. It shall be a grave misdemeanour under this Act for any person to describe any citizen of India as "bastard".

Misdemeanour under the Act.

41. (1) Whosoever compels any citizen of India to act in a manner contrary to the provisions of sections 38 and 39 of this Act or discriminate against any citizen on the ground of the citizen's refusal to act in a manner which is against the provisions of these sections, shall be punished with rigorous imprisonment for a term which may extend to one month and fine of five hundred rupees or one month's imprisonment in lieu thereof.

Penalties.

(2) The misdemeanour mentioned in section 40 shall be punished with rigorous imprisonment for a term which may extend to one year and with fine of five hundred rupees or one month's imprisonment in case of non-payment of fine.

CHAPTER VIII

PROPERTY RIGHTS

42. Notwithstanding anything contained in any other law for the time being in force, an unmarried woman shall have the following rights, namely:—

Rights of an unmarried woman.

(a) she shall have the right to live in the house of her parents but shall not have the right to seek partition or disposal of such house;

(b) she shall have the right to claim an equal share in any property, other than the residential house or dwelling unit referred to in clause (a), as a coparcener to such property, whether such property is a joint-family property or any premises held on lease or licence or under any other arrangement by her parents:

Provided that she shall have the right to claim partition of such property, if she decides to remain unmarried after she attains the age of eighteen years or such other age of marriage as may be determined under any law for the time being in force;

(c) she shall have the right to claim an equal share as a coparcener, in the gains of the family business of her parents; and

(d) she shall have right to claim an equal share in any property, as a coparcener, which is acquired by her parents by way of exchange, sale or transfer of any existing

property or which is acquired by her parents by way of accreditation or succession to any ancestral property or otherwise.

Rights of a
married
woman.

43. A married woman shall have the following rights, namely:—

(a) she shall have the right to live in the house of her husband whether owned by him or by his joint family or owned by him, solely or jointly, as a lessee or licensee:

Provided that such right shall not be void in the event of judicial separation, divorce or death of the husband:

Provided further that she shall also have the right to live in the residential house or dwelling unit of her parents, in case she is deserted or divorced by her husband, without seeking partition or disposal of whole or any part thereof;

(b) she shall have the right to claim an equal share, as a coparcener, in the property of her husband including that of in the joint family property of her husband, from the date of marriage, and like any other coparcener she shall also have the right to claim partition or disposal of whole or part of such property:

Provided that in the event of disposal of part or whole of such property, the other coparcener shall have right to pre-emption;

(c) she shall have an option to have the custody of the children born out of the wedlock and shall have the right to claim maintenance, not inconsistent with the status of the family of her husband, both for herself and for her children which shall include the expenses to be incurred on the education, training and upbringing of her children in case of dissolution of marriage:

Provided that if in the interest of the education, training or upbringing of the children, it is considered necessary or expedient to leave the children under the custody of the husband or any one else, she shall have the right to free access to the children born out of the wedlock, irrespective of estrangement, desertion, divorce or death of the husband; and

(d) she shall have the right to claim an equal share in the gains of the business of her husband or in the family business of her husband or in any other business in which her husband is a partner.

Rights of a
widow.

44. A widow shall have the following rights, namely:—

(a) she shall, subject to such eligibility, as may be prescribed, be entitled to suitable employment by the Central Government in case her deceased husband was employed in any of the establishment under the Central Government:

Provided that if she is not eligible for any such employment, she shall be entitled to such monthly pension as would have been payable to her husband at the time of his deemed superannuation:

Provided further that if the death of her husband occurs during the course of his duties, she shall be entitled to such monthly salary and allowances, as would have been payable to her husband till his deemed superannuation, besides any other compensation admissible to her under any other law for the time being in force;

(b) she shall have the first claim and absolute right to the property of her deceased husband;

(c) she shall be entitled to have such share and status as the share and status of her deceased husband would have been, in the family business; and

(d) she shall have the right to live in the residential house or dwelling unit of her parents, in the case she so desires, without seeking partition or disposal of whole or any part thereof.

CHAPTER IX

SPECIAL COURTS

45. (1) The appropriate Government shall set up sufficient number of Special Courts to deal exclusively with matters arising out of atrocities or offences committed against women.

Establishment of Special Courts for women.

(2) Each Special Court shall consist of a Chief Judge and such number of other Judges as the appropriate Government may deem fit.

(3) Every Special Court shall be headed by the Chief Judge.

46. (1) A person shall not be eligible for appointment as the Chief Judge unless he,—

Qualification for appointment as Chief Judge and other Judges.

(a) is, or has been, a District Judge; or

(b) has, for at least two years, held the office of the Judge of the Special Court; and has, for at least five years, been associated with women's cause.

(2) A person shall not be eligible for appointment as a judge unless he,—

(a) is, or has been, a judicial Magistrate; or

(b) has, for a period of not less than five years, been practising law; and has for atleast five years, been associated with women's cause.

(3) Every Chief Judge of a special court in a Union territory shall be appointed by the President,

(4) Every Chief Judge of a special court in a State shall be appointed by the Governor of the State concerned,

(5) Every other Judge of a Special Court shall be appointed by the appropriate Government,

(6) One-third of the total number of posts of Chief Judges and other Judges in every State shall be reserved for women.

47. (1) In the event of the occurrence of any vacancy in the office of the Chief Judge of a Special Court by reason of his death, resignation or otherwise, the senior most Judge of that Court shall act as the Chief Judge until the date on which a new Chief Judge, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.

Senior most Judge to act as Chief Judge or to discharge his functions in certain circumstances.

(2) When the Chief Judge is unable to discharge his functions owing to absence, illness or any other cause, the senior most Judge of that Special Court shall discharge the functions of the Chief Judge until the date on which Chief Judge resumes his duties.

48. Every Chief Judge and other Judges shall hold office as such for a term of five years from the date on which he enters upon his office or until he attains,—

Term of office.

(a) in the case of the Chief Judge, the age of 65 years, and

(b) in the case of any other Judge, the age of 60 years,

whichever is earlier.

49. Every Chief Judge or a Judge may, by notice in writing under his hand addressed to the President in case he is a Chief Judge or a Judge of a Special Court in a Union territory or to the Governor, in case he is a Chief Judge or a Judge of a Special Court in a State resign from his office:

Resignation and removal.

Provided that the Chief Judge or any other Judge shall, unless he is permitted by the President or the Governor, as the case may be, to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

Salary and allowances and other terms and conditions of service of Chief Judge and other Judges.

50. The salaries and allowances payable to, and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the Chief Judge or a Judge of a Special Court shall be such as may be prescribed by the Central Government:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chief Judge or a Judge of a Special Court shall be varied to his disadvantage after his appointment.

Financial and administrative powers of the Chief Judge.

51. Every Chief Judge shall exercise such financial and administrative powers over the Special Court as may be vested in him in such manner as may be prescribed.

Staff of the Special Court.

52. The appropriate Government shall determine the nature and categories of the officers and other employees required to assist a Special Court in the discharge of its functions.

Jurisdiction, powers and authority of Special Courts.

53. Save as otherwise expressly provided in this Act, every Special Court shall exercise all the judicial powers and authority exercisable immediately before that day by all courts (except High Courts and the Supreme Court) in relation to all matters of offences or atrocities committed against women under the Indian Penal Code or any other law for the time being in force.

Power of Special Courts.

54. Every Special Court constituted under this Act shall have powers of any other court for the purpose of holding any inquiry as are vested in a civil court under the Code of Civil Procedure, 1908 and in a criminal court under the Code of Criminal Procedure, 1973.

5 of 1908.
2 of 1974.

Exclusion of Jurisdiction of courts except the concerned High Court and the Supreme Court.

55. On the date of coming into force of this Act, the jurisdiction, powers and authority in relation to any offences or crimes or atrocities committed against women, shall be exercisable by a Special Court and no other court (except High Courts and the Supreme Court) shall have, or be entitled to exercise any jurisdiction, powers or authority in relation to such offences or crimes or atrocities committed against women.

Transfer of pending cases.

56. Every suit or other proceeding pending before any other court or any authority immediately before the date of coming into force of this Act being a suit or proceeding the cause of action wherein it is based is such that it would have been if it had arisen after such constitution, within the jurisdiction of a special such court, shall stand transferred on that date to such Special Court:

Provided that nothing contained in this section shall apply to a suit or other proceeding pending in a High Court or the Supreme Court.

Free legal aid to women.

57. The appropriate Government shall make necessary arrangements and provisions for free legal aid to women for meeting the cost of litigation in Special Courts.

CHAPTER X

MISCELLANEOUS

Act to have over-riding effect.

58. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Power to remove difficulties.

59. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty.

(2) Every order referred to in this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Power to make rules.

60. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Even after sixty-three years of independence, the socio-economic condition of our womenfolk has not improved much. They are treated as second grade citizens. Though women also equally, if not more than the menfolk, contribute to the nation building activities, yet they are never recognised. Majority of the women are illiterate, socially insecure, economically dependent upon menfolk. Though the Government has taken many steps to improve the status of women, yet they are not sufficient. Womenfolk in our country are placed at disadvantage in the following sectors:—

- (1) Education
- (2) Employment—they are given less wages than men
- (3) Social rights
- (4) Property rights
- (5) Self-employment opportunities

Atrocities against women are increasing day-by-day. Cases of atrocities against women are piling up in courts. Courts take a long time in disposing of the cases. Sexual harassment takes place at the work places. Working women have not been given adequate facilities at the work places.

Girls are not sent to schools by their parents. They do not get admission in schools. There is no vocational training facility for them. Women are not given jobs. They do not have adequate opportunities for self-employment. The National Commission for Women does not have adequate powers to deal with the situation.

With a view to alround development of women, it is proposed to bring forward a comprehensive Bill providing for—

- (1) free education to women;
- (2) vocational training;
- (3) free insurance facilities;
- (4) facilities at the work places;
- (5) equal rights in the management, associations, etc.;
- (6) Special Courts to deal with atrocities against women;
- (7) facilities for destitute women;
- (8) property rights.

The Bill seeks to make an attempt to improve the lot of women.

NEW DELHI;
November 9, 2010

SAROJ PANDEY

FINANCIAL MEMORANDUM

Clause 3 of the Bill makes provision for free and compulsory education to women. It also provides for opening of adequate number of schools for them. Clause 4 provides for vocational training to women. Clause 6 makes provision for Working Women Welfare Fund. Clause 8 provides for constitution of Advisory Committees. Clause 10 provides for appointment of Special officers to supervise the facilities to working women at the work places. Clause 16 provides for appointment of Special Officer to investigate cases of sexual harassment against women. Clause 23 provides for pension to destitute women. Clause 24 provides for establishment of women's homes. Clause 25 makes provision for insurance scheme for women.

Clause 26 provides for setting up of a Fund for women other than working women. Clause 27 provides for the establishment of a Women Development Bank. Clause 28 provides for the Board to manage the Bank. Clause 31 provides that the authorised Capital of the Bank shall be rupees five hundred crore. Clause 37 provides for appointment of officers and staff of the Bank. Clause 44 provides that a widow shall be entitled to employment/pension. Clause 45 provides for establishment of Special Courts for women. Clause 50 provides for salaries and allowances of Chief Judge or other Judges of Special Courts. Clause 52 provides for appointment of officers and staff to assist Special Courts. Clause 57 provides for free legal aid to women.

The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of rupees one thousand crore.

A non-recurring expenditure of about rupees ten thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 60 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 9 OF 2011

A Bill to provide for the establishment of a Statutory autonomous Commission for the purpose of ensuring minimum support prices to farmers for their agricultural produce and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the National Agricultural Produce Price Commission Act, 2011.

(2) It extends to the whole of India.

(3) It shall come into force at on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) "agricultural produce" includes paddy, wheat, sugarcane, millet, barley, ragi, madwa, cotton, maize, soyabean, rapeseed, mustard, peanut, coconut, sunflower, groundnut, safflower, sesamum, niger seed, gram, tur, urad, moong, masoor (lentil), peas, jute, cashew nut, pepper, turmeric, tobacco, potato, tomato, onion, mango, apple, orange, kinnoo, mousambi and other such commodities;

(ii) "Commission" means the National Agricultural Produce Price Commission constituted under section 3;

(iii) "cost of cultivation" includes operating cost plus imputed value of family labour, market based rental value of land, interest on both working and fixed capital, transportation cost, marketing cost and insurance premium; and

(iv) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, as soon as may be, but not later than six months of the commencement of this Act, by notification in the Official Gazette, establish a Commission to be known as the National Agricultural Produce Price Commission.

Constitution of the National Agricultural Produce Price Commission.

(2) The Commission shall be a body corporate by the name aforesaid, having perpetual succession and common seal with power to acquire, hold and dispose of property both movable and immovable and to contract and shall, by the said name, sue or be sued.

4. (1) The Commission shall consist of:—

Composition of the Commission.

(i) (a) a Chairperson;

(b) a Vice-Chairperson;

to be appointed, from amongst persons of eminence having special knowledge in the field of agricultural economics, by the Central Government;

(ii) five members of Parliament, of whom three shall be from Lok Sabha and two from Rajya Sabha, to be nominated by the Presiding Officers of the respective Houses;

(iii) one member having practical experience in the field of agriculture with compulsory agricultural and rural background representing each State to be nominated by the Central Government in consultation with the respective State Governments;

(iv) one member representing the Union Ministry of Agriculture.

(v) one member representing the Indian Council of Agricultural Research; and

(vi) five members representing farmers to be appointed by the Central Government in such manner as may be prescribed.

(2) The salary and allowances payable to, and other terms and conditions of the service of the Chairperson, Vice Chairperson and members of the Commission, shall be such as may be prescribed.

(3) The head office of the Commission shall be at New Delhi.

(4) The Central Government shall provide such number of officers and staff to the Commission as are required for its efficient functioning.

(5) The Salary and allowances payable to, and other terms and conditions of the service of the officers and staff of the Commission, shall be such as may be prescribed.

5. (1) The Commission shall perform the following functions:—

Functions of the Commission.

(a) fix and declare the minimum support price of agricultural produce on the basis of cost of cultivation plus fifty per cent. margin on the cost of cultivation and the announcement of the same well in advance of the sowing season;

(b) ensure that the farmers get the minimum support prices fixed by it for their produce;

(c) recommend to the Central Government the measures to raise the standard of farming in the country, especially raising farm productivity and farm profitability;

(d) recommend to the Central Government the measures for improving the living conditions of farmers;

(e) ensure that the prices of the agricultural produce do not fall below the statutorily fixed minimum support price fixed by it due to undesirable activities of traders and middlemen after the post-harvest period;

(f) **give wide publicity to the minimum support prices of the agricultural produce determined by it; and**

(g) keep the farmers aware of the prices of agricultural produce in the international market.

(2) The Commission shall, while discharging its functions, consult State Governments and such other agencies as it thinks fit, which are responsible for procurement, supply, distribution, trade and other activities in relation to agricultural produce so as to ensure payment of minimum support prices to the farmers.

Central Government to implement the recommendations of the Commission.

6. The Central Government shall be bound to accept and implement the minimum support prices announced by the Commission.

Compulsory purchasing of agricultural produce by the Central and the State Governments.

7. **Where the farmers fail to sell their produce in the open market at minimum support price determined by the Commission, the Central Government and the State Governments shall purchase the agricultural produce from the farmers at the price fixed by the Commission.**

Central Government to provide funds.

8. **The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Commission for carrying out the purposes of this Act.**

Power of the Central Government to remove difficulties.

9. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of the commencement of this Act.

Act to have overriding effect.

10. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is an open secret that agriculture sector is reeling under severe crisis in India. The share of agriculture in Gross Domestic Product (GDP) of the country is constantly and unabatedly falling year by year since independence. In 1950, the share of the agriculture in GDP was 51 per cent. and in the year 2009, it has come down to a mere 14.1 per cent. and that too without any substantial decrease in the number of the people dependent on it. Still sixty per cent. of our population is directly dependent on agriculture. It is shocking that the policy makers, the leaders, the bureaucracy, etc. are apathetic to the fact that in the last thirteen years, more than 3 lakh farmers have committed suicide across the country. Even today, in some States the trend of committing suicide by farmers is continuing. According to the annual data released by the National Crime Records Bureau in the year 2009, around 17,368 farmers committed suicide *i.e.* every hour, two of our farmers committed suicide, and that too when we pat our back for achieving a GDP growth rate of 9 per cent. per annum. There are several reasons behind their shocking misery but one of the major reasons is non-availability of remunerative prices of their agricultural produce. The middlemen, hoarders, money lenders, etc. are exploiting them for the last 63 years. The Commission of Agricultural Cost and Prices (CACP) under the Ministry of Agriculture fixes the Minimum Support Price (MSP) of a few agricultural commodities. This Commission has no legal standing and it often happens that the MSP determined by the CACP is not remunerative for farmers. Perhaps it would not be incorrect to say that the CACP has failed in its duty to ensure remunerative prices to farmers. It has no proper mechanism to calculate the cost of production of agricultural produce and, therefore, the MSP announced by it is far below the cost incurred by the farmers to raise their crops. Hence, it is felt that if a fully autonomous statutory commission is established to fix the minimum support prices of the agricultural produce with certain guidelines, the misery of the farmers of the country would be solved to some extent.

Hence this Bill.

NEW DELHI;
February 3, 2011.

RAJU SHETTI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a National Agricultural Produce Price Commission. Clause 4 provides for salary and allowances of the Chairperson, Vice Chairperson and members of the Commission. Clause 5 provides, *inter alia*, for giving wide publicity to minimum support price of the agricultural produce by the Commission. Clause 7 provides for compulsory purchasing of agricultural produce by the Central and the State Governments. Clause 8 provides for payment of adequate funds to the Commission for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees five hundred crore would be involved.

A non-recurring expenditure of about rupees one hundred over is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 10 OF 2011

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 2011.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

43 of 1951.

2. In section 7 of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), after clause (a), the following clause shall be inserted, namely:—

Amendment
of section 7.

“(aa) the expression “bandh”, “dharna” and “rasta roko” means use of force, intimidation or physical or mental coercion aimed at restricting or curtailing free movement of the people and the vehicles including public transport or closure of shops, offices or business establishments by use of force;”.

Amendment
of section 8.

3. In section 8 of the principal Act, in sub-section (2), after clause (c), the following clause shall be inserted, namely:—

“(d) any law relating to organizing of “*bandh*”, “*dharna*” or “*rasta roko*”.”

Insertion of
new section
29D.

4. After section 29C of the principal Act, the following section shall be inserted, namely:—

“29D. Notwithstanding anything contained in any other law for the time being in force, if the Commission is satisfied that a political party, recognized either as a National Party or as a State Party, has organized or given a call for *bandh*, *dharna* or *rasta roko*, the Commission may, after taking into account all the available facts and circumstances and after giving the party a reasonable opportunity of showing cause, either suspend, subject to such terms as the Commission may deem appropriate, or withdraw the registration and recognition of such party.”

Power of
Commission
to suspend or
withdraw
recognition of
a registered
political party
for organizing
bandh,
dharna or
rasta roko.

STATEMENT OF OBJECTS AND REASONS

India is a democratic country and in democracy every citizen has a right to express his/her point of view. But, at the same time, there are ways and means to ventilate grievances or points of view. The Indian Constitution does not allow violence or permits anyone to obstruct freedom of others or prevent others to enjoy their rights or destroy public/private property. Article 51A(i) imposes a fundamental duty on every citizen of this country to safeguard public property and to abjure violence.

Political parties, NGOs, individuals and many other organisations now-a-days, resort to *bandhs*, *dharnas* or *rasta rokos* for each and every grievance in order to express their displeasure or discontent against the decisions of the Government. Even though they have every right to register their protest, unfortunately, individuals and political parties are going to the extent of forcefully obstructing general public from performing their day-to-day duties, forcing shopkeepers or business establishments to close their shops/offices or creating an atmosphere which force public transport to stay off the roads or prevent vehicular traffic from plying on the roads. These kinds of coercive methods are not only causing a lot of inconvenience to people but also loss to the tune of crores of rupees to the Government. The political parties are not concerned about people but about the political mileage they would get out of such activities.

Over a decade ago, the Supreme Court, in a landmark verdict, held that calls for *bandhs* are "illegal and unconstitutional" means of protest. In 1998, a three-judge bench headed by the then Chief Justice of India, J.S. Verma upheld a Kerala High Court ruling banning *bandhs*. But political parties continue to call for *bandhs* thereby disrupting public life and trampling on basic Fundamental Rights of citizens who are not participating in *bandhs*.

In September, 2005, the Supreme Court again made its view clear when it directed the Shiv Sena and the BJP to first pay rupees twenty lakh each as the fine imposed on them by the Bombay High Court in 2004 for having called a Mumbai bandh the previous year. The apex court came down on political parties heavily for organizing *bandhs* and holding society to ransom.

In view of the above, the Bill seeks to amend the Representation of the People Act, 1951 with a view to disqualify from contesting elections the individuals who give call for or participate in *bandh*, *dharna* or *rasta roko* upon conviction and also for deregistration and derecognition of National or State Parties if they are involved in *bandh*, *dharna* or *rasta roko*.

The Bill seeks to achieve above objective.

NEW DELHI;
February 3, 2011.

L. RAJAGOPAL

BILL NO. 6 OF 2011

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

- | | |
|---------------------------|---|
| Short title. | 1. This Act may be called the Constitution (Amendment) Act, 2011. |
| Amendment of article 124. | 2. In article 124 of the Constitution, in clause (1), the following proviso shall be added at the end, namely:—

“Provided that one-third of such Judges shall be appointed from amongst persons belonging to the Scheduled Castes and the Scheduled Tribes”. |
| Amendment of article 216. | 3. In article 216 of the Constitution, the following proviso shall be added at the end, namely:—

“Provided that one-third of such Judges shall be appointed from amongst persons belonging to the Scheduled Castes and the Scheduled Tribes”. |

STATEMENT OF OBJECTS AND REASONS

Scheduled Castes and Scheduled Tribes have been considered as the weakest section of the society for ages. They have been ill treated, insulted and ignored.

Many steps taken by the Government to improve their standard of living have shown some results. Provision has been made for reservation in their favour in Government jobs and also in educational institutions. However, their representation is limited. Demands have been made from several quarters for reservation in favour of the persons belonging to the Scheduled Castes and the Scheduled Tribes in judiciary also. As such, it is proposed to amend the Constitution with a view to making provision for reservation in their favour in Supreme Court and in High Courts.

NEW DELHI;
February 8, 2011.

ARJUN MEGHWAL

BILL NO. 7 OF 2011

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2011.

Insertion of
new article
330A.

2. After article 330 of the Constitution, the following article shall be inserted, namely:—

Reservation
of seats for
Scheduled
Castes and
Scheduled
Tribes in the
Council of
States.

“330A. (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in the Council of States.

(2) The number of seats reserved in any State or Union territory for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State or Union territory in the Council of States as the number of seats reserved for the Scheduled Castes or the Scheduled Tribes, as the case may be, in that State or Union territory in the House of the People bears to the total number of seats allotted to that State or Union territory in the House of the People.”.

3. After article 332 of the Constitution, the following article shall be inserted, namely:—

“332A. (1) Seats shall be reserved in the Legislative Council of every State, where such a Council exists, for the Scheduled Castes and the Scheduled Tribes.

(2) The number of seats reserved in any State for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Legislative Council of that State as the number of seats reserved for the Scheduled Castes or the Scheduled Tribes, as the case may be, in the Legislative Assembly of the State bears to the total number of seats in the Legislative Assembly of the State.

(3) Of the total number of members elected from seats reserved for the Scheduled Castes or the Scheduled Tribes, as the case may be, in the Legislative Council of a State—

(a) as nearly as may be, one-third shall be elected by electorates consisting of members of municipalities, district boards and such other local authorities in the State as Parliament may by law specify;

(b) as nearly as may be one-twelfth shall be elected by electorates consisting of persons residing in the State who have been for at least three years graduates of any university in the territory of India or have been for at least three years in possession of qualifications prescribed by or under any law made by Parliament as equivalent to that of a graduate of any such university;

(c) as nearly as may be, one-twelfth shall be elected by electorates consisting of persons who have been for at least three years engaged in teaching in such educational institutions within the State, not lower in standard than that of a secondary school, as may be prescribed by or under any law made by Parliament;

(d) as nearly as may be, one-third shall be elected by the members of the Legislative Assembly of the State from amongst persons who are not members of the Assembly;

(e) the remainder shall be nominated by the Governor in accordance with the provisions of clause (5).

(4) Notwithstanding anything contained in clause (3), the Central Government may, after consultation with the Governor of the State, prescribe the manner in which the seats reserved for the Scheduled Castes or the Scheduled Tribes, as the case may be, in the Legislative Council of the State shall be filled in, if the number of such reserved seats is less than twelve.

(5) The members to be nominated by the Governor under sub-clause (e) of clause (3) shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely:—

Literature, science, art, co-operative movement or social service.”

4. In article 334 of the Constitution, after clause (a), the following clause shall be inserted, namely:—

“(aa) the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the Council of States and in the Legislative Council of the States;”.

Insertion of new article 332A.

Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Councils of States.

Amendment of article 334.

STATEMENT OF OBJECTS AND REASONS

Although, the Constitution of India provides for the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States, it is unfortunate that even after sixty-one years of enforcement of the Constitution of India, there is no provision as regards the reservation of seats for them in the Council of States and in the Legislative Council of a State, where such a Council exists.

In order to uphold the principle of social justice, it is, therefore, imperative that the seats be reserved for the Scheduled Castes and the Scheduled Tribes in the Council of States and in the Legislative Councils of the States.

The Bill seeks to achieve the above objective.

NEW DELHI;
February 8, 2011.

ARJUN MEGHWAL

Bill No. 4 of 2011

A Bill to provide for the setting up of a National Commission for Youth for their overall development and for matters connected therewith.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the National Commission for Youth Act, 2011.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Short title,
extent and
commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) “appropriate Government” means the State Government or the Central Government, as the case may be;

(ii) “Commission” means the National Commission for Youth set up under section 3;

(iii) “prescribed” means prescribed by rules made under this Act; and

(iv) “Youth” means any person who has attained the age of eighteen years but is not above the age of forty-five years.

National
Commission
for youth.

3. (1) The Central Government shall, by notification in the Official Gazette, set up a National Commission for Youth.

(2) The Commission shall consist of:—

(i) a Chairperson having special knowledge in the field of youth affairs, to be appointed by the Central Government; and

(ii) such number of other members having such qualification as may be prescribed.

(3) The conditions of service, salaries and allowances of Chairperson and other members of the Commission shall be such as may be prescribed.

Central
Government
to provide
officers and
staff for the
Commission.

4. The Central Government shall make available such number of officers and staff including experts to the Commission as may be required for its efficient functioning.

Functions of the
Commission

5. The Commission shall perform the following functions:—

(i) formulate a national policy for the overall development of youth in the country;

(ii) such functions in regard to formulation and implementation of schemes for the welfare of youth as may be assigned to it by the appropriate Government; and

(iii) such other functions as may be assigned to it by the Central Government.

Youth
Development
Fund.

6. (1) The Central Government shall set up a Fund to be known as the Youth Development Fund to implement the provisions of this Act.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

Power to make
rules.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Even after six decades of independence, no clear-cut policy for the overall development of youth has been formulated in our country so far. Today, youth of the country are facing so many problems. This include, to name a few, problems relating to education, poverty, nutrition, self-employment, vocational training, health, etc. There is no institutional mechanism to harness their potential and channelise their energy for the betterment of the country. There is no proper planning for comprehensive development of the youth. The plight of youth belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes (OBCs) is even worse. Apart from all the problems mentioned above, they also have to face social ostracisation.

We need to instill a sense of belonging among the youth by providing them all opportunities for their development so that they can contribute to the progress of the country to their full potential. The facilities should be provided as a matter of right and not as privilege. Employment should be guaranteed to the youth. The youth should be linked directly with the production process. The disparities between the rural and urban youth should be eliminated in a phased manner. Steps taken in this direction will not only uplift the conditions of the youth but will also create a better society leading to a civilized and strong nation. A comprehensive youth policy through the National Commission for Youth, for their all round development is, therefore, need of the hour.

The Bill seeks to achieve the above objectives.

NEW DELHI;
February 4, 2011.

ADHIR RANJAN CHOWDHURY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of a National Commission for Youth. Clause 4 provides that the Central Government shall make available necessary officers and staff for the efficient functioning of the Commission. Clause 6 provides for creation of a Youth Development Fund. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees two hundred fifty crore will be involved.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

T.K. VISWANATHAN,
Secretary-General.